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SUMMARY RECORD OF THE 53rd MEETING

Chairman: Mr. TSHERING (Bhutan)

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The meeting was called to order at 10.50 a.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/50/L.39 and L.53)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/50/L.33, L.37, L.38, L.40, L.42, L.48, L.49, L.55, L.57, L.59 and L.61)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/C.3/50/L.35, L.44, L.45, L.56, L.58, and L.60)

(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/C.3/50/L.50)

Draft resolution A/C.3/50/L.57

1. Mr. BORDA (Colombia) introduced draft resolution A/C.3/50/L.57, entitled "Right to development", on behalf of the non-aligned countries and the other sponsors, which had been joined by Australia, Belgium, Germany, Italy and the Netherlands. Reviewing the contents of the text, he pointed out that the draft resolution, inter alia, reaffirmed the importance of the right to development for every human person and all persons in all countries, in particular the developing countries, as an integral part of the fundamental human rights, and called upon the Commission on Human Rights to consider carefully the reports of the Working Group on the Right to Development, to assess whether the Working Group had been able to complete its mandate and to consider thoroughly the necessity to reconvene the Working Group. In view of the importance of the right to development, the large number of sponsors and the spirit of cooperation demonstrated during the negotiations on the text, he hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/50/L.59

2. Ms. TAMLYN (United States of America), introducing draft resolution A/C.3/50/L.59, entitled "Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization", said that Belgium, the Federated States of Micronesia, Slovakia and the Solomon Islands had joined the sponsors. The draft resolution recognized that the Electoral Assistance Division of the United Nations had become one of the most successful of the Organization's operational activities and noted the need for enhanced cooperation with other international, governmental and non-governmental organizations. It also noted the evolving nature of requests for electoral assistance and the need for new types of assistance that met those changing demands.

3. She drew attention to the following changes that had been made in the text: in the third line of paragraph 2, the word "approved" had been deleted and in the sixth line of paragraph 9 the phrase "strengthen its collaboration with the Centre, including through an exchange of personnel when appropriate, and with the Department and the Programme, and to" had been inserted between the words "to" and "continue". The broad support for the draft resolution reflected the importance which Member States attached to United Nations involvement in electoral assistance. Democratization was now recognized as an essential basis for stability and development. Accordingly, she commended the draft resolution for the consideration of the members of the Committee and urged them to give it wider support.

4. The CHAIRMAN said that Afghanistan, Côte d'Ivoire, Guatemala, Mali, Mauritius, Nepal and Poland had also joined the sponsors of draft resolution A/C.3/50/L.59.

Draft resolution A/C.3/50/L.61

5. Mr. ARDA (Turkey), introducing draft resolution A/C.3/50/L.61, entitled "Human rights and terrorism", said that Turkmenistan and Ukraine had joined the sponsors. The text had been revised in a number of places. The second preambular paragraph had been deleted and replaced by the following text: "Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,". The following two new preambular paragraphs had been inserted after the new second preambular paragraph: "Taking into account that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts," and "Bearing in mind that the most essential and basic human right is the right to life,". The following new preambular paragraph had also been added after the last preambular paragraph: "Reaffirming that all measures to counter terrorism must be in strict conformity with international human rights standards,". In paragraph 4, the words "eradicating it" had been replaced by "its eradication" and the remainder of the paragraph had been deleted. In paragraph 5, the word "the" had been deleted.

6. One of the main obstacles to the full enjoyment of human rights and fundamental freedoms in the world was the scourge of international terrorism, which violated the most basic human right, the right to life. Terrorism caused the loss of innocent civilian lives and created a climate of fear in society. The international community must act to halt that form of extreme violence. Since the draft resolution was based on documents and resolutions adopted by consensus, he hoped that the Committee would adopt it on the basis of consensus.

Draft resolution A/C.3/50/L.35

7. Mr. RODRIGUEZ (Spain), introducing draft resolution A/C.3/50/L.35, entitled "Situation of human rights in the Islamic Republic of Iran", on behalf of the States members of the European Union and the other sponsors, said that, in the light of the resolutions of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran, the sponsors believed that the situation in that country had not improved and continued to be a cause of concern, in particular, with regard to the large number of executions and

incidents of torture, the absence of guarantees of due process of law, the discriminatory treatment of religious minorities and the widespread discrimination against women. Accordingly, they urged the Government of the Islamic Republic of Iran to abide by its obligations under the international human rights instruments and to ensure that all individuals within its territory and subject to its jurisdiction enjoyed the rights recognized in those instruments.

8. While they welcomed the invitation by the Government of the Islamic Republic of Iran to the Special Representative of the Commission to visit that country, the sponsors felt that the serious concerns referred to in the draft resolution could not be ignored. They hoped that the draft resolution would be widely supported.

9. Mr. REZVANI (Islamic Republic of Iran) said that draft resolution A/C.3/50/L.35 was a totally irrelevant text, drafted in a very irresponsible manner, which ignored the true state of affairs in his country. The draft resolution was based on information contained in an outdated and technically invalid report by the former Special Representative of the Commission on Human Rights.

10. Mr. RODRIGUEZ (Spain), speaking on a point of order, inquired on what basis the representative of the Islamic Republic of Iran was making his statement.

11. The CHAIRMAN said that the Committee was currently hearing introductions of the various draft resolutions under consideration and that delegations which wished to express their positions on those draft resolutions would be given the opportunity to do so when action was taken on them.

12. Mr. REZVANI (Islamic Republic of Iran) said that he would respect the Chairman's ruling and refrain from further comment at the present stage.

Draft resolution A/C.3/50/L.44

13. Mr. RODRIGUEZ (Spain), introducing draft resolution A/C.3/L.44, entitled "Situation of human rights in Iraq" on behalf of the States members of the European Union and the other sponsors, said that the following changes had been made to the text: in the thirteenth preambular paragraph, the words "and detained" had been inserted after the words "persons missing"; in paragraph 11, the word "resolve" in the second line had been replaced by "resolving"; and the last part of paragraph 11, after the words "remaining several hundred", had been replaced by the following: "missing persons and prisoners of war, Kuwaitis and third-country nationals, victims of the illegal Iraqi occupation of Kuwait;".

14. The draft resolution reflected alarm at the massive violations of human rights for which the Government of Iraq was responsible, as well as the main areas of concern indicated in the Special Rapporteur's report. In the light of the serious human rights situation in Iraq, the sponsors hoped that the draft resolution would receive the broadest possible support.

Draft resolution A/C.3/50/L.45

15. Ms. SAPCANIN (Bosnia and Herzegovina), introducing draft resolution A/C.3/50/L.45, entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia", on behalf of the sponsors, said that paragraph 12 had been revised to read: "Requests the Secretary-General to submit a report, as appropriate, to the General Assembly, at its fifty-first session, on the implementation of the present resolution;".

16. Owing to the social stigma attached to rape, it was among the least reported crimes throughout the world. During a war, which aggravated the reluctance to report rape, the victims had little hope of finding justice, while the perpetrators were emboldened by their own sense of impunity. It was significant that the draft resolution was based on numerous reports which had incorporated the testimony of women victims in the hope that public awareness of the crimes committed against them might deter future violence against others. It recognized the gravity of the use of rape as a weapon of war in pursuit of the policy of ethnic cleansing and called upon States to take all measures required for the protection of women and children and to bring the perpetrators to justice. The recent peace negotiations gave grounds for hope that the end of impunity might be near and that the crimes condemned in the draft resolution might not be repeated. That hope, however, must be strengthened by the sense of justice. Any measures that could be taken to protect and support the victims would contribute to their rehabilitation and to the restoration of peace in the region.

17. She announced that Bahrain, Brunei Darussalam, the Czech Republic, Gabon, Jordan, Malta, New Zealand, Senegal, Singapore, the United Kingdom and Yemen had joined the sponsors of draft resolution A/C.3/50/L.45.

Draft resolution A/C.3/50/L.58

18. Mr. JONES (United States of America), introducing draft resolution A/C.3/50/L.58, entitled "Situation of human rights in the Sudan", on behalf of the sponsors, which had been joined by Belgium, France and the Netherlands, said that the reports of several of the Special Rapporteurs of the Commission on Human Rights referred to serious violations of basic human rights and fundamental freedoms in the Sudan. The broad support which the resolution had received reflected the importance of human rights as they applied not only in the Sudan but throughout the world. He asked members of the Committee to give the draft resolution their consideration and wider support.

19. Ms. WAHBI (Sudan) drew the attention of the members of the Committee to the analytical criticism of the draft resolution under consideration which her delegation had prepared, and would make available to delegations.

Draft resolution A/C.3/50/L.60

20. Mr. JONES (United States of America), introducing draft resolution A/C.3/50/L.60, entitled "Situation of human rights in Cuba", on behalf of the sponsors, which had been joined by Bulgaria and Uzbekistan, said that the draft resolution addressed the serious violations of basic human rights and

fundamental freedoms in Cuba identified in the interim report of the Special Rapporteur of the Commission on Human Rights, and called upon the Government of Cuba to adopt a number of measures recommended by the Special Rapporteur.

21. The broad support for the draft resolution reflected the importance and universality of human rights in Cuba and throughout the world. In that spirit, his delegation commended it to the members of the Committee for their consideration.

Draft resolution A/C.3/50/L.55

22. Mr. BIGGAR (Ireland), introducing draft resolution A/C.3/50/L.55, entitled "Elimination of all forms of religious intolerance", on behalf of the sponsors, which had been joined by Costa Rica, New Zealand, the Philippines and South Africa, said that the following new preambular paragraph had been inserted after the seventh preambular paragraph: "Recalling that the World Conference on Human Rights recognized that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations, and international law,". In the third line of paragraph 2, after the word "belief", the words "to all without discrimination" had been added; in paragraph 3, the words "physical integrity" had been replaced by the word "liberty"; in the fifth line of paragraph 5, the words "through the educational system and by other means" had been deleted; and at the end of paragraph 20, the words "in full and on time" had been deleted.

23. He hoped that, as a result of those changes, the draft resolution could be adopted by consensus.

24. The CHAIRMAN said that Croatia, Cyprus, the Gambia, India, Mauritius, Nigeria, Panama, San Marino, Sierra Leone, Solomon Islands, the former Yugoslav Republic of Macedonia and Ukraine wished to join the sponsors of the draft resolution.

Draft resolution A/C.3/50/L.39

25. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.39, entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families". He announced that the draft resolution had no programme budget implications and that Yemen wished to join the sponsors.

26. Ms. NEWELL (Secretary of the Committee) said that in the third line of the fifth preambular paragraph, the words "the human rights of" should be added after the words "the protection of".

27. Draft resolution A/C.3/50/L.39, as orally revised, was adopted.

Draft resolution A/C.3/50/L.53

28. The CHAIRMAN, referring to draft resolution A/C.3/50/L.53, entitled "International Covenants on Human Rights", said that it had no programme budget implications and that the Russian Federation wished to join the sponsors. On

behalf of the sponsors, Norway had requested that action on the draft resolution should be postponed to a later meeting.

Draft resolution A/C.3/50/L.33

29. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.33, entitled "United Nations Decade for Human Rights Education: culture of peace". He announced that the draft resolution had no programme budget implications and that Bangladesh, Barbados, Belgium, Benin, Bosnia and Herzegovina, Burundi, Cameroon, Chile, Croatia, the Congo, Cuba, the Dominican Republic, Ethiopia, Gabon, the Gambia, Georgia, Guinea, Guinea-Bissau, Guyana, Israel, Jordan, Kenya, Kyrgyzstan, Mali, Malta, the Marshall Islands, Mauritania, Mauritius, Monaco, the Niger, Namibia, the Republic of Korea, the Republic of Moldova, Rwanda, Samoa, Sierra Leone, South Africa, the former Yugoslav Republic of Macedonia, the Sudan, Surinam, Tunisia, Turkey, Uruguay, and Yemen wished to join the sponsors of the draft resolution.

30. Draft resolution A/C.3/50/L.33 was adopted.

Draft resolution A/C.3/50/L.37

31. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.37, entitled "National institutions for the promotion and protection of human rights". He announced that the draft resolution had no programme budget implications and that Australia, Benin, Cameroon, Canada, Côte d'Ivoire, France, Ghana, Kenya, Latvia, Madagascar, Mauritius, Monaco, Nepal, New Zealand, Nigeria, the Philippines, Portugal, South Africa, and the United States of America wished to join the sponsors.

32. Ms. NEWELL (Secretary of the Committee) said that, at the end of the seventh preambular paragraph, the words "that these could be developed further" had been replaced by the words "the need for their continued dissemination". At the end of paragraph 2, after the words "General Assembly resolution 48/134", the word "and" had been added, followed by the entire text of paragraph 4. In paragraph 6, the word "and" at the end of the first line had been replaced by the word "as", and the rest of the paragraph had been revised to read "appropriate agencies for the dissemination of human rights materials and public information activities, including those of the United Nations;". At the end of paragraph 7, after the words "human rights", the words "and invites Governments to contribute to the Voluntary Fund for Technical Cooperation in the Field of Human Rights for these purposes;" had been added. Finally, the following new paragraph had been inserted after paragraph 9: "Recognizes the important and constructive role that non-governmental organizations may play in cooperation with national institutions for the better promotion and protection of human rights."

33. Draft resolution A/C.3/50/L.37, as orally revised, was adopted.

34. Mr. WADA (Japan) said that his delegation considered that financial assistance for national human rights institutions should be provided through the regular budget of the United Nations, rather than through the Voluntary Fund for Technical Cooperation in the Field of Human Rights. Furthermore, the

Coordinating Committee had deprived the Japanese national institution of its status as an official member, downgrading it to observer status at the most recent workshop, held in Manila. It had been a one-sided and very regrettable interpretation of the principles relating to the status of national human rights institutions and was inconsistent with the principles of the Vienna Declaration and Programme of Action.

Draft resolution A/C.3/50/L.38

35. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.38, entitled "United Nations Decade for Human Rights Education". He announced that the draft resolution had no programme budget implications and that Bangladesh, Barbados, Benin, Cameroon, Canada, Colombia, the Congo, the Dominican Republic, Gabon, the Gambia, Georgia, Guatemala, Guinea, Guinea-Bissau, Kenya, Mali, Malta, Mauritius, Monaco, Mongolia, Morocco, Mozambique, the Niger, Nigeria, the Philippines, the Republic of Korea, Rwanda, Samoa, Sierra Leone, South Africa, Spain, Sri Lanka and Tunisia wished to join the sponsors.

36. Draft resolution A/C.3/50/L.38 was adopted.

Draft resolution A/C.3/50/L.40

37. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.40, entitled "Situation of human rights in Cambodia". He announced that the draft resolution had no programme budget implications and that Belgium, France, Ireland, Italy, Japan, Kyrgyzstan, Monaco, Spain, the United Kingdom and New Zealand wished to join the sponsors.

38. Ms. NEWELL (Secretary of the Committee) said that the end of paragraph 6 after the words "set out in annex 5," should read "paragraphs 2 and 4, of the Agreement signed in Paris on 23 October 1991;" and that the beginning of the third line of paragraph 20 should read "the programmes of activities of the office in Cambodia".

39. Draft resolution A/C.3/50/L.40, as orally revised, was adopted.

Draft resolution A/C.3/50/L.42

40. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.42, entitled "Strengthening of the rule of law". He announced that the draft resolution had no programme budget implications and that Cameroon, Guatemala, Lesotho, Mali, Mauritius, Monaco, Norway, the Republic of Korea, South Africa and the former Yugoslav Republic of Macedonia wished to join the sponsors.

41. Draft resolution A/C.3/50/L.42 was adopted.

Draft resolution A/C.3/50/L.48

42. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.48, entitled "Effective promotion of the Declaration on the Rights of

Persons Belonging to National or Ethnic, Religious and Linguistic Minorities". He announced that the draft resolution had no programme budget implications and that Bangladesh, the Congo, Croatia, Gabon, India, Malta, Mongolia, San Marino, the former Yugoslav Republic of Macedonia and Ukraine wished to join the sponsors.

43. Ms. NEWELL (Secretary of the Committee) said that paragraph 4 of the draft resolution, which had been revised to bring it into line with the wording of the same paragraph in General Assembly resolution 49/192, now read: "Appeals to States to make bilateral and multilateral efforts, as appropriate, in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in their countries, in accordance with the Declaration;". Paragraph 13 had been deleted by the sponsors.

44. Draft resolution A/C.3/50/L.48, as orally revised, was adopted.

45. Mr. ARDA (Turkey) said that, while his delegation had joined the consensus, it maintained the position it had adopted at the forty-ninth session when the resolution on the same subject had been adopted.

Draft resolution A/C.3/50/L.49

46. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.49, entitled "Human rights in the administration of justice". He announced that the draft resolution had no programme budget implications and that Burundi, Côte d'Ivoire, Kenya, Lesotho, Mali, Mauritius, the Republic of Moldova, Rwanda, San Marino and South Africa had joined the sponsors.

47. Ms. NEWELL (Secretary of the Committee) said that paragraph 12 had been deleted.

48. Mr. THEUERMANN (Austria) pointed out that the Netherlands, New Zealand and Ukraine had joined the sponsors when the draft resolution had been introduced, and that subsequently Germany, Greece, Luxembourg, Spain and the United Kingdom had also become sponsors.

49. Draft resolution A/C.3/50/L.49, as orally revised, was adopted.

Draft resolution A/C.3/50/L.56

50. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.56, entitled "Human rights in Haiti". He announced that the draft resolution had no programme budget implications and that Costa Rica, Congo, Cuba, Finland, Jamaica, the Republic of Moldova, Trinidad and Tobago and Uruguay wished to join the sponsors.

51. Draft resolution A/C.3/50/L.56 was adopted.

Draft resolution A/C.3/50/L.50

52. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/50/L.50, entitled "Comprehensive implementation of and follow-up to the

Vienna Declaration and Programme of Action". He announced that Afghanistan, Angola, Bangladesh, Barbados, Cameroon, Canada, Chile, the Congo, Croatia, the Czech Republic, Eritrea, Gabon, Guatemala, India, Kenya, Lesotho, Madagascar, Malta, Mauritius, Mongolia, Nepal, the Netherlands, New Zealand, Nicaragua, Nigeria, Panama, the Philippines, Poland, Samoa, Sri Lanka, Suriname, Swaziland, the Republic of Korea, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and the United Kingdom wished to join the sponsors.

53. Mr. THEUERMANN (Austria) said that paragraph 12 had been revised to become a preambular paragraph, inserted before the last preambular paragraph.

54. Draft resolution A/C.3/50/L.50, as orally revised, was adopted.

The meeting rose at 12.55 p.m.